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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,285	03/23/2001	Anson Jerome Gehman	41556/04715 (RS11P061)	7602
22428	7590	09/13/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ZEENDER, FLORIAN M	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/816,285	Applicant(s) GEHMAN ET AL.	
	Examiner F. Ryan Zeender	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 1-5, 7-12, 14-19 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/17/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1-5, 7-12, 14-19, and 21-23 are objected to because of the following informalities: In each of the independent claims, paragraph "d", the terminology, "the data comprising to" is awkward/incorrect and it appears the language should be changed to --the data comprising--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 7-12, 14-19, and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of the independent claims, paragraph "b", last line, the terminology, "the suppliers supplier" lacks antecedent basis. In each of the independent claims, paragraph "g", the terminology, "the corresponding supply chain parameters" lacks proper antecedent basis as it cannot be determined if the parameters are the same as the "product supply parameters".

Claim Rejections - 35 USC § 103

Claims 1, 3-5, 7-8, 10-12, and 14-15, and 17-19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. '156 in view of Duffy et al.

Shavit et al. '156 disclose, inherently teach, or make obvious the limitations of the claims including: a supply chain management framework utilizing a network-based

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interface for receiving data related to the sale of goods (*including forecasting; See Col. 7, line 19*) from various supply chain “subscribers” including distributors and suppliers (Col. 6, lines 9-12); authorizing a manager to negotiate contracts (i.e., “agents”, see for example Col. 6, line 11); placing/filling orders including product parameters, price, and mark-up data (see for example Cols. 6, 8, and 12); taking an electronic action based on product supply parameters (i.e., “Alert feature”; see for example Col. 7, lines 47-57).

Shavit et al. lack the **specific** teaching of the supply chain computer receiving data comprising the amount of completed sales; and the supply parameters determined by a brand owner.

Duffy et al. teach a similar supply chain management system whereby completed sales data is received (see for example paragraph 0056).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shavit et al. to receive data comprising the amount of completed sales, in view of Duffy et al., in order to provide relevant information to participants engaging in financial contracts.

Claims 2, 9, and 16, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. ‘156 in view of Duffy et al., as applied to claims 1, 8, and 15 above, and further in view of Sharp et al., US6263317.

Shavit et al. in view of Duffy et al. lack the **specific** teaching of at least one of the product supply parameters determined by a brand owner.

Sharp et al. teach a supply chain management system whereby at least one of the product supply parameters are determined by a brand owner.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have at least one product supply parameter determined by a brand owner, in view of Sharp et al., in order to “ensure that sales of brand name goods and services via the Internet do not violate existing distribution agreements between the manufacturers and their respective distributors and retailers” (See Sharp et al., Col. 1, lines 59-62).

Claims 21-23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. ‘156 in view of Duffy et al., as applied to claims 1, 8, and 15 above, and further in view of Haluska ‘519.

Shavit et al. in view of Duffy et al. lack the calculating and comparing limitations.

Haluska teaches a method for electronically controlling and tracking information related to business transactions including immediate recording and sharing of any pricing or quantity discrepancy information (See for example Col. 3, lines 63-65; and Col. 2, lines 48-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shavit et al. in view of Duffy et al. to electronically calculate and compare data to discover a discrepancy, in view of Haluska, in order to avoid “the time lag inherent in human processing” (See Haluska, Col. 5, line 51).

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

F. Zeender
Primary Examiner, A.U. 3627
September 9, 2004

A handwritten signature in black ink, appearing to read 'F. Ryan Zeender', with a long horizontal flourish extending to the right.

**F. RYAN ZEENDER
PRIMARY EXAMINER**